

29.06.2022
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allowed

CRM(DB) 2047 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No. 271 dated 24.03.2022 under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act and Sections 9/10/11 of the Prevention of Marriage Act.

And

In Re : Sujay Mitra @ Bhanu petitioner

Mr. Soumik Ganguly
Mr. Nimai Roy
Mr. Ronit Mukherjee
Mr. Nazmul Touhid

.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari

..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties and the petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There was a love affair between two young persons. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure also corroborates such fact.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 36 days, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)